

Constitution of Police Establishment Board

Government of Maharashtra

Home Department

Government Resolution No.: NPC 1008/2/CR-6/Pol-3

World Trade Centre,
Cuffe Parade, Mumbai 400 005
Date: 15th July, 2013

Read -

1. Judgment dated 22.09.2006 of the Supreme Court of India in Writ Petition (Civil) No.310/1996 in Prakash Singh and Others Vs. Union of India and Others.

Background -

The Government of India had appointed a National Police Commission (NPC) for fresh examination of the role and performance of police, both as a law enforcing agency and as an institution to protect the rights of citizens enshrined in the Constitution of India. The NPC, after examining all the issues in depth, submitted various reports and the final report in 1981. Prakash Singh and Others had filed Writ Petition (Civil) No.310 of 1996 against Union of India and others under Article 32 of the Constitution of India for direction to implement the report of the NPC and to frame a new Police Act in order to ensure that police is accountable essentially and preliminarily to the law of the land and the people.

The Hon'ble Supreme Court of India, while deciding the said Writ Petition by its judgment dated 22.09.2006, has held that it is essential to lay down guidelines to be operative till the new legislation is enacted by State Governments. The Hon'ble Supreme Court of India has issued directions under Article 32 read with Article 142 of the Constitution of India for the constitution of a Police Establishment Board in the said judgment.

In pursuance of the judgement of the Hon'ble Supreme Court of India and until appropriate changes are made in the Maharashtra Police Act, 1951 on the lines of the Supreme Court directives, the Government of Maharashtra issued Government Resolution referred to at sr. No. (2) above on 25.07.2008. After due reconsideration of the directives of the Hon'ble Supreme Court and in supersession of Government Resolution dated 25.07.2008, the Government of Maharashtra issues this Resolution.

Resolution

In pursuance of the judgment of the Hon'ble Supreme Court of India and until appropriate changes are made in the Maharashtra Police Act, 1951 on the lines of the Supreme Court directives, the Government of Maharashtra has decided to reconstitute the Police Establishment Board at State Level as under :

A) Police Establishment Board for the officers of the rank of and above Superintendent of Police :

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| i) Additional Chief Secretary (Home) | - | Chairperson |
| ii) Director General of Police | - | Vice-Chairperson |
| iii) Director General, Anti-Corruption Bureau | - | Member |
| iv) Commissioner of Police, Mumbai | - | Member |
| v) Additional Director General of Police (Establishment) | - | Member Secretary |

The above Police Establishment Board shall exercise powers and perform functions as follows:

(a) The Board shall be authorized to make appropriate recommendations to the State Government regarding the posting and transfers of officers of and above the rank of Superintendent of Police, subject to rules, regulations and laws in force. State Government shall give due weightage to these recommendations and shall normally accept them;

(b) The Board shall also function as a forum of appeal for disposing of representations from officers of and above the rank of Superintendent of Police regarding their promotions, transfer, disciplinary proceedings or their being subjected to illegal or irregular orders subject to the provisions of further appeal to Government as per rules, regulations and laws in force;

(c) The Board shall be authorised to make appropriate recommendations to the State Government, on the grievances received from the police officers of and above the rank of Superintendent of Police regarding their promotions, disciplinary proceeding and other service matter after analysing the same as per rules, regulations and laws in force;

(d) The Board shall exercise such other functions as may be assigned to it by the State Government from time to time.

B) Police Establishment Board for the officers of the rank of and below Deputy Superintendent of Police :

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|---|---|-------------|
| i) Director General of Police | - | Chairperson |
| ii) Director General, Anti-Corruption Bureau | - | Member |
| iii) Commissioner of Police, Mumbai | - | Member |
| iv) Additional Director General of Police (Law & Order) | - | Member |

- v) Additional Director General of Police - Member Secretary
(Establishment)

The above Police Establishment Board shall exercise powers and perform functions as follows:

(a) The Board shall decide all transfers, postings, promotions and other service related matters of officials of and below the rank of Deputy Superintendent of Police, as per rules, regulations and laws in force;

(b) The Board shall also function as a forum of appeal for disposing of representations from officers of and below the rank of Deputy Superintendent of Police, regarding their promotions, transfer, disciplinary proceedings or their being subjected to illegal or irregular orders subject to the provisions of further appeal to Government as per rules, regulations and laws in force.

(c) The State Government may intervene with decision of board in exceptional cases only after recording its reasons for doing so.

2. The Government of Maharashtra hereby also constitutes Regional Establishment Boards at the range level as under:

- i) Range Inspector General of Police -Chairperson
ii) Two senior-most Superintendents of Police within the Range -Members
iii) The Reader (Dy. S.P.), in the office of the Range Inspector General of Police -Member Secretary

The Regional Police Establishment Board at the Range level shall exercise powers and perform functions as follows:

a) The Board shall decide all transfers, postings and other service related matters of officials of the rank of Police Sub Inspector to Police Inspector within the range, as per rules, regulations and laws in force;

b) The Board shall be authorized to make appropriate recommendations to the State Establishment Board under the Chairmanship of Director General of Police, regarding postings and transfers out of the range of officers of the rank of Police Sub Inspector to Police Inspector.

3. The Government of Maharashtra hereby also constitutes Establishment Boards at the Commissionerate level as under:

- i) Commissioner of Police - Chairperson
ii) Two senior-most officer in the rank of Joint Commissioner/Additional Commissioner/ Deputy Commissioner of Police. - Members
iii) Deputy Commissioner of Police (Head Quarter) - Member Secretary

Police Establishment Boards at the Commissionerate level shall exercise powers and perform functions as follows:

(a) The Board shall decide all transfers, postings and other service related matters of officials of rank of Police Sub Inspector to Police Inspectors within the Commissionerate, as per rules, regulations and laws in force;

(b) The Board shall be authorized to make appropriate recommendations to the State Establishment Board under the Chairmanship of Director General of Police regarding posting and transfers out of the Commissionerate of officers of the rank of Police Sub Inspector to Police Inspector.

4. The Regional Police Establishment Boards and the Establishment Boards at the Commissionerate level will function under the Superintendence, direction and control of the Establishment Board at State level under the Chairmanship of Director General of Police.

This Government resolution of Maharashtra Government is available at the website www.maharashtra.gov.in. Reference no. for this is 201307151136271729. This order has been signed digitally.

By order and in the name of the Governor of Maharashtra.

(Sudhakar Chavan)

Joint Secretary to Government of Maharashtra.

Copy forwarded to:

1. Secretary to the Hon'ble Governor, Maharashtra State, Mumbai
2. Additional Chief Secretary to the Hon'ble Chief Minister, Maharashtra State
3. Secretary to the Hon'ble Dy.Chief Minister, Maharashtra State
4. Private Secretary of Hon'ble Minister (Home), Maharashtra State
5. Private Secretary of Hon'ble Minister of State (Home), Maharashtra State
6. Additional Chief Secretary Home Department
7. Director General of Police, Maharashtra State, Mumbai
8. Principal Secretary (A&S), Home Department

9. Secretary (Special), Home Department
10. Police Commissioner, Brihan Mumbai.
11. All Special Inspector General of Police
12. All Police Commissioners / All Police Superintendents
13. General Administrative Department, Mantralaya, Mumbai
14. All Joint Secretary/Deputy Secretary in Home department
15. Select file (Pol-3/Pol-1/Pol-1A/Pol-5B)